

REMARKS

By this paper, independent claim 71 has been amended to recite that the method is performed using a system including at least one end station coupled to a base station *via* a communications network, with the base station performing the steps of receiving subject data from the end station *via* the communications network, comparing the subject data to predetermined data, determining the status of the subject, and transferring an indication of the subject status to the end station *via* the communications network. Support for this amendment can be found in claim 94 (which has subsequently been made redundant and has been canceled), and the specification.

Claims 71-76, 80-81, 83-93, and 95 have been amended to address informalities and/or clarity issues identified by the Examiner. Claims 79 and 94 have been canceled.

A second new independent claim 147 has been added which recites an apparatus adapted to perform functions generally equivalent to the functions of claim 71 as currently amended.

Paragraphs [000416], [000436], and [000469] have been amended to remove embedded hyperlinks.

The Applicant respectfully submits that no new matter has been added by these amendments.

The non-final Office Action of April 17 2009 has been carefully considered. It is respectfully submitted that all issues raised are traversed, being hereafter addressed with reference to the relevant headings appearing in the Detailed Action section of the Office Action.

Specification

The Examiner has objected to paragraphs [000416], [000436], and [000469] because they contain embedded hyperlinks. Accordingly, the Applicant has amended the identified paragraphs to remove the hyperlinks.

Claim Objections

The Examiner has objected to claims 71-72, 79, 80, 84-88, and 90-95 on formality issues. The Applicant has amended claims 71-72, 80, 84-88, 90-93, and 95 to address the Examiner's objections. Claims 79 and 94 have been canceled for other reasons. The Applicant respectfully submits that all informalities have now been rectified.

Claim Rejections – 35 USC § 101

The Examiner has rejected claims 71-95 as being directed to non-statutory subject matter.

Independent claim 71 has been amended to incorporate the features of claim 94, to recite that the method is performed using a system including at least one end station coupled to a base station *via* a communications network, with the base station performing the steps of receiving subject data from the end station *via* the communications network, comparing the subject data to predetermined data, determining the status of the subject, and transferring an indication of the subject status to the end station *via* the communications network. Support for this amendment can be found throughout the disclosure, for example in original claim 36, and in claim 94 (which has subsequently been made redundant and has been cancelled).

The Applicant respectfully submits that the amended claim 71 requires the steps of the method to be performed on a machine, and that therefore the amended claim 71 is directed towards statutory subject matter.

Should the Examiner be minded to reject the amended claim 71, the Applicant wishes to direct the Examiner's attention to the new independent claim 147, which recites an apparatus adapted to perform functions generally equivalent to the functions of claim 71. The Applicant respectfully submits that this new apparatus claim is directed towards statutory subject matter.

Claims Rejected Under 35 USC § 112, Second Paragraph

The Examiner has rejected claims 71-95 as being indefinite. Accordingly, clarifying amendments have been incorporated to the wording of claims 71-76, 80-81, 83-86, 89, and 95. Claim 79 has been canceled to address the Examiner's rejections regarding the clarity of the parameters in that claim, whilst claim 94 has been canceled because it has been made redundant through the amendments to claim 71, as discussed above.

The Applicant respectfully submits that the claims as amended now particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Priority

The Applicant thanks the Examiner for noting that a certified copy of the foreign application has not been filed. Accordingly, the Applicant has arranged for a certified copy of the foreign application to be obtained, which will be filed in due course to substantiate the priority claim.

Claim Rejections – 35 USC § 102

The Examiner has rejected claims 71-95 as being anticipated by US 2003/0229451 by Hamilton *et al.*

Hamilton *et al.* describe methods and systems of organizing complex and disparate data related to biological systems into coherent data sets. It is mentioned that this may be useful for biological applications such as producing a compilation of health or wellness profiles for prognostic and diagnostic use, or for establishing signature profiles indicative of a physiological state of interest. However, Hamilton *et al.* do not describe the process of performing a diagnosis based on comparisons of subject data to the coherent data sets.

Specifically, Hamilton *et al.* do not describe obtaining subject data from a subject via a single test, comparing that subject data to predetermined data that includes, for a plurality of conditions, parameter values and an indication of the condition, and determining the status of the subject in accordance with the results of the comparison to indicate at least one of the presence, absence or degree of one or more of the conditions. The Applicant respectfully submits that a skilled person, upon consulting Hamilton *et al.*, would conclude that Hamilton *et al.* clearly does not teach the aforementioned process.

In light of the above, the Applicant respectfully submits that Hamilton *et al.* does not describe the process of determining the status of a subject, and that Hamilton *et al.* is therefore not relevant to the invention as originally claimed.

Despite this, to assist with further prosecution the Applicant has amended claim 71 to incorporate features of claim 94. Claim 71 as currently amended now describes the method being performed using a system including at least one end station coupled to a base station *via* a communications network. The base station performs the steps of receiving subject data from the end station *via* the communications network, comparing the subject data to predetermined data, determining the status of the subject, and transferring an indication of the subject status to the end station *via* the communications network.

Since the amended claim 71 now incorporates features of claim 94, the Applicant also submits the following discussion regarding the Examiner's rejection of claim 94 on the grounds of the claim being anticipated by Hamilton *et al.* In the rejection, the Examiner has asserted that Hamilton *et al.* disclose using a system including an end station coupled to a base station via a communications network to receive data, determine the status of the subject, and transfer an indication of the status to the end station via the network, as required by claim 94.

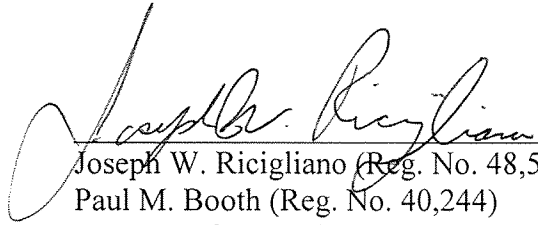
However, in this respect Hamilton *et al.* only describe the integration of disparate data from a variety of sources such as public databases or in-house generated data. Hamilton *et al.* does not describe the specific end station and base station functionalities in which subject data is submitted at the end station and the base station receives the subject data from the end station via the communications network, determines the status of the subject, and finally transfers an indication of the subject status to the end station via the communications network, as claimed in the amended claim 71. Therefore, the Applicant respectfully submits that Hamilton *et al.* does not anticipate the features of the amended claim 71, and that claim 71 is therefore novel over Hamilton *et al.*

In light of the above distinctions, the Applicant respectfully submits that the amended claim 71 is novel and inventive over Hamilton *et al.*

CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is believed to be in condition for allowance. Accordingly, the Applicant requests a Notice of Allowance of all the claims presently under examination.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Joseph W. Ricigliano", is written over a horizontal line.

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